

IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

\* \* \*

BIANCA MARCELLINO,

et al.,

Plaintiffs,

vs.

CASE NO. 1:21-cv-01338

GEAUGA COUNTY HUMANE

SOCIETY, et al.,

Defendants.

\* \* \*

Deposition of BIANCA MARCELLINO,  
Plaintiff herein, called by the Defendants for  
cross-examination pursuant to the Rules of Civil  
Procedure, taken before me, Karen M. Rudd, a  
Notary Public in and for the State of Ohio, via  
Zoom at 36196 Stevens Boulevard, Eastlake, Ohio,  
on Monday, June 20, 2022, at 10:06 a.m.

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EXAMINATION CONDUCTED

PAGE

BY MR. BARINGER:..... 4

(No exhibits marked)

1 APPEARANCES:

2 On behalf of the Plaintiffs:  
3 (Via Zoom)

4 By: Michela J. Huth  
5 Attorney at Law  
6 P.O. Box 17  
7 Bolivar, Ohio 44612  
8 330 440-4027  
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10 On behalf of the Defendants:  
11 (Via Zoom)

12 Davis & Young

13 By: Matthew Baringer  
14 Attorney at Law  
15 29010 Chardon Road  
16 Willoughby Hills, Ohio 44092  
17 216 348-1700  
18 mbaringer@davisyoung.com

19 ALSO PRESENT:

20 Karen Marcellino (Via Zoom)  
21 Giancarlo Marcellino (Via Zoom)

22 \* \* \*

1 BIANCA MARCELLINO  
2 of lawful age, Plaintiff herein, having been  
3 first duly cautioned and sworn, as hereinafter  
4 certified, was examined and said as follows:

5 CROSS-EXAMINATION

6 BY MR. BARINGER:

7 Q. All right. Bianca, my name is Matt  
8 Baringer. I'm an attorney who represents the  
9 Geauga County Humane Society, sometimes known as  
10 Rescue Village, as well as some employees and  
11 the directors there, Christian Courtwright, Ken  
12 Clark, and Hope Brustein, B R U S T E I N.  
13 We're here to take your deposition in this case,  
14 in this matter, you filed against them.

15 A couple preliminary things.  
16 First, you mentioned your location. I just  
17 wanted to know, is there anyone else in the room  
18 with you at this time?

19 A. This is my parents' house, so I'm  
20 downstairs at my parents' house.

21 Q. Okay. But they're not in the room?  
22 They are parties to this case. I just need to  
23 know if they're in the room or not.

24 A. Yes, they are present.

25 Q. They are present?

1           A.     Yes.

2           Q.     All right. I just didn't hear you.  
3     Okay. And your parents are Giancarlo Marcellino  
4     and Karen Marcellino?

5           A.     Yes.

6           Q.     Have you had your deposition taken  
7     before?

8           A.     Not for this case.

9           Q.     In any case?

10          A.     Yes, I have had a deposition taken  
11     before.

12          Q.     Okay. So you know the ground  
13     rules. I'll go over them very briefly. We're  
14     doing this by Zoom, so it's even more important  
15     that we not talk over each other. So I'll  
16     finish my question -- and you're doing a good  
17     job of it. I'll finish my question, and then  
18     you answer -- I'll let you answer. And once you  
19     finish, then I'll ask my next question so it's  
20     easy for the court reporter to take everything  
21     down.

22                 If you need to take a break at any  
23     point, just let me know as long as there's not a  
24     question pending. If there is a question  
25     pending, I'd ask you to just finish your answer

1 to that question, and then we can take the  
2 break.

3 What else. Hold on. Let me see.  
4 Just in general, although we are by Zoom,  
5 nodding the head and shaking the head yes and no  
6 don't work good, because everything is being  
7 taken down by the court reporter, and she can't  
8 take that down. And also uh-huhs --

9 A. Okay.

10 Q. -- are hard to take down on the  
11 record. So as best you can, if you're answering  
12 yes or no, just please answer yes or no. I'll  
13 remind you sometimes and say is that a yes.  
14 It's not me being rude, it's just me clarifying  
15 for the record. All right?

16 A. Yes.

17 Q. I first want to go through a little  
18 bit of your background just real briefly. Some  
19 people ask why are you asking all these  
20 questions. It's just what we do in every case,  
21 so --

22 All right. You already stated your  
23 name. What is your current address?

24 A. 7224 Wilson Mills Road,  
25 Chesterland, Ohio, 44026.

1 Q. All right. And your date of birth?

2 A. September 24th, 1994.

3 Q. Okay. Are you currently employed?

4 A. Yes.

5 Q. Who is your employer?

6 A. KeyBank.

7 Q. And what is your job title?

8 A. I'm a senior private client banker.

9 Q. And do you work out of a location  
10 or at home or --

11 A. Out of a location.

12 Q. And where is that located, what  
13 city?

14 A. Mentor.

15 Q. And prior to KeyBank, what was your  
16 employment before then?

17 A. I was a financial advisor at  
18 Merrill Lynch, Pierce, Fenner & Smith.

19 Q. And I guess I forgot to ask. How  
20 long have you been at KeyBank?

21 A. I've been at KeyBank for  
22 approximately six months.

23 Q. And then Merrill Lynch, how long  
24 were you there?

25 A. I was at Merrill Lynch for

1 approximately four years.

2 Q. Anything before Merrill Lynch?

3 A. Yes. I worked for a company called  
4 Thrivent Financial for a while as a financial  
5 advisor, as well.

6 Q. Well, let me shift to your  
7 education. Where did you go to high school?

8 A. I went to Eastlake North.

9 Q. And what year did you graduate?

10 A. 2012.

11 Q. After Eastlake North, did you go to  
12 college?

13 A. Yes. I went to Lake Erie College.

14 Q. Did you graduate from there?

15 A. Yes, I did.

16 Q. What year?

17 A. I graduated in 2016.

18 Q. And what was your degree?

19 A. I had a major in business  
20 administration and a minor in equine studies.

21 Q. Where is Lake Erie College? In  
22 Cleveland?

23 A. Painesville, Ohio.

24 (Clarification requested by the  
25 court reporter.)



1 THE WITNESS: Painesville, Ohio.

2 BY MR. BARINGER:

3 Q. You were just breaking up there.  
4 Painesville, Ohio. Okay. After Lake Erie, any  
5 other secondary education?

6 A. Yes. I passed my Series 6, my  
7 Series 63, my Series 7, and my Series 66, as  
8 well as my life and health insurance license,  
9 and my notary.

10 Q. And I'm not in the financial  
11 industry, but do you do like continuing  
12 education classes?

13 A. Yes, I do, for all of my licensing  
14 that I keep active.

15 Q. And are you married or single?

16 A. I'm single.

17 Q. Any children of your own?

18 A. No.

19 Q. Do you reside with anybody?

20 A. I reside at 7224 Wilson Mills Road,  
21 and one of my friends resides with me in a  
22 separate residence on my property.

23 Q. And what is his or her name?

24 A. Her name is Marissa Cohn.

25 Q. Marissa's last name, can you spell

1     it?

2             A.     C O H N.

3             Q.     How long has she resided on the  
4     property?

5             A.     Approximately four years.

6             Q.     And her -- she is a friend, I  
7     assume?

8             A.     She is a friend, and she also is --  
9     does work for my parents at their barn.

10            Q.     Does she pay rent to you?

11            A.     She does pay rent to me.

12            Q.     Prior lawsuits. Have you filed any  
13     prior lawsuits? Have you sued anybody?

14            A.     I'm sorry. Could you rephrase the  
15     question? I'm not sure --

16            Q.     Yeah. In this case, you're suing  
17     the humane society. I know you've had other  
18     cases involving the humane society, so I guess  
19     set those aside. Do you have any other -- do  
20     you have any other lawsuits where either you  
21     sued someone or somebody has sued you?

22            A.     I'm not sure how to answer that  
23     question. I have had multiple cases that have  
24     arose due to issues with a neighbor, as well as  
25     the Geauga Humane Society.

1           Q.     Okay.   So I think the issues with  
2     the neighbor may have stemmed -- may be somewhat  
3     related to some of the issues we're dealing with  
4     today.   So I guess I'm asking has anybody sued  
5     you totally unrelated to anything involving  
6     animals, the humane society, a neighbor, just  
7     another lawsuit that you have had?

8           A.     I have never been sued due to my  
9     profession if that's the question.

10          Q.     Or your personal life.   Even a car  
11     accident.

12          A.     No, I've never been sued.

13          Q.     Okay.

14          A.     There have been cases that have  
15     arisen from my neighbor and these issues with  
16     the humane society.   Aside from these cases, I  
17     have never been sued.

18          Q.     Okay.   I'm going to ask you what  
19     you did to prepare for your deposition.  
20     Understanding that you probably talked to your  
21     attorney, I don't -- and I'm not allowed to know  
22     anything you guys discussed, so don't offer  
23     anything there except to say yes, I -- you know,  
24     I talked to my attorney.

25                 So what did you do to prepare for

1 your deposition, if anything?

2 A. I read through the complaint.

3 Q. Did you look at any other  
4 documents?

5 A. No. I recall the dates and the  
6 instances very well.

7 Q. Did you talk to your parents about  
8 the deposition?

9 A. No.

10 Q. All right. I'm looking at your  
11 complaint, and you mentioned that you reviewed  
12 that. So I'm going to go through it with you,  
13 but first I just want to talk about some  
14 preliminary issues.

15 This case stems from your  
16 convictions in Chardon Muni Court for two counts  
17 of animal cruelty; is that correct?

18 A. Correct.

19 Q. And I just want to say we're not  
20 here to relitigate those convictions, so I'm not  
21 going to ask you much about those, but I do need  
22 some background on those issues. So first I  
23 think you acknowledge that you were convicted --

24 A. Yes.

25 Q. -- of those two counts? And that

1 was after a jury trial?

2 A. Yes.

3 Q. And were you represented by an  
4 attorney during those proceedings?

5 A. Yes.

6 Q. And you testified in that case,  
7 correct?

8 A. Yes, I did.

9 Q. And after the jury convicted you,  
10 the judge imposed a sentence, correct?

11 A. Correct.

12 Q. And --

13 A. It was following. It wasn't that  
14 day, it was following. It was on March 5th.

15 Q. Okay. And what was your  
16 understanding of the possible penalties for your  
17 conviction, meaning what options did the judge  
18 have in terms of sentencing you?

19 A. I don't know. I'm not an attorney  
20 or a judge, so I don't know what the options  
21 were for her at that time.

22 Q. Well, did you know there was a  
23 possibility that you could be sentenced to a  
24 term of jail?

25 A. I did know that that was a

1 possibility just from them reading during the  
2 trial.

3 Q. And, in fact, you were sentenced to  
4 a term of 90 days in jail, but that entire 90  
5 days was suspended. Do you understand that?

6 A. Correct. The judge stated that it  
7 was suspended because I didn't have any priors,  
8 so they were going to impose the probation and  
9 then the 90 days if I did violate the probation.

10 Q. She sentenced you to a term of  
11 probation. How long was that term?

12 A. Five years.

13 Q. And were you sentenced on March 5th,  
14 2019?

15 A. 2019, correct.

16 Q. So you are currently still on  
17 probation?

18 A. Correct.

19 Q. Have you been violated for any  
20 reason?

21 A. I have not.

22 Q. Have you had any violation  
23 hearings?

24 A. No, I have not had any violation  
25 hearings.

1           Q.    Have you had any -- any post  
2   sentencing hearings regarding the terms of  
3   probation?

4           A.    Yes, I did, when the judge wanted  
5   to clarify the terms and added some additional  
6   terms to my probation.

7           Q.    Okay. Well, approximately when was  
8   that? If you were sentenced in March, when was  
9   that?

10          A.    It was that summer. I believe  
11   approximately May of 2019. I'm not a hundred  
12   percent sure on the exact day.

13          Q.    Okay. You mentioned that she added  
14   terms. Well, let's go back to the original  
15   sentence. What was your understanding of the  
16   original terms of your probation?

17          A.    The original sentencing was that I  
18   could not own, care for, reside on a property  
19   with horses or have possession of horses. That  
20   was the sentencing.

21          Q.    Any other terms?

22          A.    No. Well, other than the random  
23   inspections, which she also stated.

24          Q.    And correct me if I'm wrong, I  
25   believe the horses were ordered to be forfeited;

1 is that correct?

2 A. There were two horses that were the  
3 subject of this case. However, there were more  
4 horses that were on the property that were not  
5 seized because they were not -- they were not  
6 seized.

7 Q. Okay. So the two horses that were  
8 subject to the criminal case were forfeited, and  
9 then you received a financial sanction?

10 A. I'm sorry. I'm not sure what that  
11 is.

12 Q. Did --

13 A. Restitution?

14 Q. Correct.

15 A. They did charge me with  
16 restitution. However, it was overturned by the  
17 appellate court.

18 Q. Okay. Yeah. Now, you mentioned  
19 the other term, the random inspections.

20 A. Correct.

21 Q. During your sentencing, you were  
22 told what about random inspections?

23 A. I was told that Christian or the  
24 police could do random, unannounced inspections  
25 of my property.



1 Q. Did you understand what that meant?

2 A. I understood the verbiage.

3 Q. What did you understand that meant  
4 they could do?

5 A. I understood that I was being told  
6 that they could enter my property at any point.

7 Q. With or without any reason, right?

8 A. I didn't understand that, because I  
9 didn't believe that that was reasonable.

10 Q. You didn't understand that by  
11 random, unannounced inspections, that that meant  
12 that they could come to your property at any  
13 time for any reason to ensure that you were  
14 abiding by the terms of your probation? You  
15 didn't understand that?

16 A. I did understand the verbiage, as I  
17 stated. However, the unreasonable search and  
18 seizure, as part of the constitution, I didn't  
19 understand how this could be a sentence.

20 Q. Okay. So you understood that was  
21 the sentence and that was the order, but you  
22 didn't agree with it, right?

23 A. I didn't understand how the judge  
24 could impose that due to the constitutional  
25 rights that I had.

1 Q. Okay. But she did, correct?

2 A. Correct, she did.

3 Q. And you appealed your sentence; is  
4 that correct?

5 A. Correct.

6 Q. Or you appealed your conviction and  
7 sentence?

8 A. Correct.

9 Q. And that went to the 11th District  
10 Court of Appeals, correct?

11 A. Correct.

12 Q. And you were represented by  
13 counsel --

14 A. Correct.

15 Q. -- in that case?

16 A. Correct.

17 Q. Who was your attorney for that  
18 appeal?

19 A. My attorney was Michela Huth and  
20 Gregory Sasse. Those are the two attorneys that  
21 I've had throughout the case.

22 Q. Have you ever read the opinion from  
23 the Court of Appeals?

24 A. I have not.

25 Q. Were you advised about what the

1 Court said in its opinion?

2 A. I know that the restitution was  
3 reversed.

4 Q. Did you know that your convictions  
5 were upheld?

6 A. I do know that. There was not  
7 sufficient evidence to show the contrary, which  
8 was suppressed prior to my court date and trial.

9 Q. Okay. So you know your convictions  
10 were upheld?

11 A. Correct. I do believe I was told  
12 that there was not sufficient evidence to prove  
13 to the contrary, which would coincide with the  
14 fact that my evidence was suppressed the morning  
15 of my court hearing, and I wasn't able to use  
16 any of my evidence for my trial. And as the  
17 appellate court states, you are not able to  
18 reintroduce new evidence. So since it was  
19 suppressed at that time, I wasn't able to  
20 provide the evidence that I had to support me at  
21 my trial.

22 Q. Well, you didn't appeal anything  
23 from the trial court about suppression of  
24 evidence, did you?

25 A. I'm not the attorney. My attorney

1 filed the documents.

2 Q. So if the Court's opinion doesn't  
3 talk about -- anything about suppression of  
4 evidence, that would indicate you didn't appeal  
5 it?

6 A. I am not sure how to answer that.  
7 I didn't submit the documentation, my attorney  
8 did.

9 Q. You appealed your sentence in part,  
10 didn't you? You appealed the restitution.

11 A. My attorney filed the documents for  
12 the appeal.

13 Q. Did you talk to them about what  
14 kind of things you wanted to raise on appeal?

15 A. We filed the appeal based on what  
16 the attorney was -- I'm not sure how to answer  
17 that question.

18 Q. Well, you appealed the restitution,  
19 but you didn't appeal the random inspections;  
20 isn't that correct?

21 A. I didn't file the appeal. My  
22 attorney appealed for me, the documents.

23 Q. So we can rely on the Court's  
24 opinion as to what was appealed or what was not;  
25 wouldn't you agree?

1           A.    I would have to review the  
2   documentation to answer that question.

3           Q.    All right.

4           A.    I don't rely on the Court's  
5   opinion.

6           Q.    You don't?

7           A.    No.   I would have to look at the  
8   documentation.   I don't have it in front of me.  
9   If I had it in front of me, I would be able to  
10   answer your question.

11          Q.    Well, I can show it to you, but  
12   let's move on.

13          A.    Okay.

14          Q.    So Christian, who is the humane  
15   agent for Geauga County Humane Society, per the  
16   Court's order was allowed to do random,  
17   unannounced inspections of your property,  
18   correct?

19          A.    Correct, that was the Court order.

20          Q.    Let's talk about when he first --  
21   his first inspection.   I've got your complaint.  
22   I don't know if you have it in front of you.   Do  
23   you, by chance?

24          A.    I have copies of the complaint.

25          Q.    You do?

1           A.     Yes, I do.

2                   MR. BARINGER:   Okay.   Okay.   That's  
3   great.   I don't think we have to mark it,  
4   because it's a pleading in the case.   So I'm not  
5   going to mark it as an exhibit, Michela.

6                   MS. HUTH:   That's fine.

7                   MR. BARINGER:   Okay.   All right.

8                   MS. HUTH:   I don't know if we have  
9   to mark the actual complaint of the case as an  
10   exhibit.

11                   MR. BARINGER:   Yeah.

12                   MS. HUTH:   If you think we do, I  
13   don't care.

14                   MR. BARINGER:   I'm not going to,  
15   because it's just a mess on Zoom to do it and  
16   it's in the record.

17   BY MR. BARINGER:

18                   Q.     All right.   So I'm looking at your  
19   complaint.   The bottom of page four has the date  
20   March 6, 2019.   If you turn the page, it talks  
21   about -- I believe this was the first quote,  
22   unquote, inspection; is that right?

23                   A.     Correct.

24                           (Clarification requested by the  
25   court reporter.)

1 THE WITNESS: Correct, it was  
2 March 6th, 2019, was the date of the first  
3 probation entry. That was the day after my  
4 sentencing, less than 24 hours later.

5 BY MR. BARINGER:

6 Q. Okay. Were you present when  
7 Christian arrived?

8 A. I was not.

9 Q. Were you present at all when  
10 Christian was there?

11 A. I was on the phone with Christian  
12 during the time, and I also had access to my  
13 security cameras which showed what was going on.

14 Q. So you were on your phone talking  
15 to Christian and maybe others and watching in  
16 real-time --

17 A. Correct.

18 Q. -- what was going on?

19 A. Correct.

20 Q. So why don't you tell me what  
21 happened on that first date.

22 A. Christian entered, along with  
23 Chesterland PD. He entered onto my parents'  
24 property and proceeded to approach the facility  
25 and the property. He met my sister along the

1 way. She let him know that this was my parents'  
2 property, and he was not allowed to be on my  
3 parents' property.

4 Christian then proceeded to walk up  
5 to my property and questioned the people that  
6 were on my property, as well as my parents'  
7 property, in regards to the horses that they  
8 kept with me and if they were satisfied with  
9 their care, which they, in turn, responded yes,  
10 that they were very satisfied.

11 Q. All right. I think we're going to  
12 have to step back, because this whole issue with  
13 your property versus your parents' property is  
14 obviously relevant to this case. When did you  
15 purchase your property at 7224 Wilson Mills?

16 A. I purchased it in 2016. It was  
17 November, November of 2016.

18 Q. And that included what is now your  
19 parents' property, correct?

20 A. I did purchase both properties.

21 Q. Was that -- at the time you  
22 purchased it, was it considered one lot or two  
23 lots that you purchased?

24 A. No, it was two parcels. It's  
25 always been two parcels.



1 Q. Okay. But you purchased both?

2 A. Yes, I did.

3 Q. And when you purchased it, what  
4 buildings were on the property?

5 A. There was a house and a garage on  
6 one parcel. The other parcel was land.

7 Q. Okay. And at some point a barn  
8 gets built on the property, correct?

9 A. Correct.

10 Q. When did that happen?

11 A. That was in 2018.

12 Q. Sorry, we're moving offices, so if  
13 you hear a lot of noise in the background, it's  
14 that.

15 All right. In 2018, a barn gets  
16 built on the property. Who paid for the barn?

17 A. My parents.

18 Q. Was it built on the same parcel as  
19 the house or a different parcel from the house?

20 A. A different parcel.

21 Q. When it was built, it was purchased  
22 by your parents, who owned that parcel it was  
23 built on?

24 A. It was in the process of getting  
25 transferred to my parents.

1           Q.     When did it get transferred to your  
2     parents?   When did the second parcel get  
3     transferred?

4           A.     I don't know the exact date that it  
5     transferred.   It transferred prior to my  
6     criminal trial.

7           Q.     And your criminal trial was in?

8           A.     2019.   The beginning of 2019.

9           Q.     All right.   Was it February?

10          A.     Yes.

11          Q.     So prior to that, you had  
12     transferred your property -- half of your  
13     property -- I don't know if it's exactly half,  
14     but one of the two parcels was transferred to  
15     your parents with a barn already on the  
16     property, correct?

17          A.     The parcel was transferred due to  
18     them building the barn and them taking out the  
19     loan, so it would only make sense that they  
20     would own the property that they put a barn on.

21          Q.     It didn't have anything to do with  
22     your criminal trial?

23          A.     Not at all.

24          Q.     How much did they pay you for that  
25     land?

1           A.    I gifted it to them.

2           Q.    So nothing?

3           A.    Nothing.  It was a gift.

4           Q.    Any occasion for the gift?

5           A.    No.  It was a gift.  They are my  
6    parents.  I love them.

7           Q.    Had you always planned to do that  
8    when you bought the property, split it in half  
9    and give half to your parents?

10          A.    Yeah.  They were putting up a barn.  
11    Wouldn't you want to own the property that you  
12    have a building on?

13          Q.    Right.

14          A.    That seems reasonable.

15          Q.    Okay.  So the barn was for your  
16    parents, not for you?

17          A.    It was my parents' barn, yes.  It  
18    has always been my parents' barn.

19          Q.    Did your parents ever own another  
20    barn?

21          A.    No.

22          Q.    Where is the property line in  
23    relation to the barn?

24          A.    I don't have the surveying document  
25    in front of me, and I'm not a surveyor, so I

1     can't tell you the exact location.

2             Q.     So you don't know?

3             A.     Well, I do know. I have the  
4     documentation that we paid for, so I do have  
5     documentation on it. However, I'm not a  
6     certified surveyor, so I don't feel comfortable  
7     saying exactly where the coordinates are.

8             Q.     Okay. And there's nothing  
9     currently on the property marking the property  
10    line, is there?

11            A.     Could you rephrase the question?

12            Q.     Yeah. If I were to go to your  
13    property right now, would there be any type of  
14    fencing, any type of stakes?

15            A.     There are no trespassing signs on  
16    my parents' property, as well as fencing  
17    dividing the two properties, which Christian  
18    Courtwright stated he knew where the property  
19    line was.

20            Q.     Okay. Well, that's what I'm asking  
21    you. Is there something on the property that  
22    shows where the property line is?

23            A.     There is fencing and no trespassing  
24    signs, and Christian Courtwright stated multiple  
25    occasions that he knew where their property was

1 and where the property line was.

2 Q. I'm asking currently is there  
3 anything that demarcates the property line? So  
4 if I come in there --

5 A. There -- there are fences on the  
6 property line and no trespassing signs.

7 Q. Okay. Where is that fence in  
8 relation to the barn?

9 A. The fence is towards my property in  
10 relation to the barn. So the barn would be on  
11 the other side of the fence.

12 So if you were dictating the  
13 property line like Christian did like this, he  
14 said this is where the property line -- put his  
15 hands up, put them forward, he crossed that  
16 property line that he deemed as the property  
17 line, which was where the fence was, to cross  
18 over towards the opposite side of the fence to  
19 look in my parents' barn, therefore, walking on  
20 their property and trespassing where there were  
21 no trespassing signs.

22 Q. I'm just trying to find out how far  
23 from the edge of that barn is the property line.  
24 You say there is currently a fence there that is  
25 supposed to --

1 A. There's --

2 Q. How far is that from the barn?

3 A. According to Christian --

4 Q. No, no, no.

5 A. -- the property line --

6 Q. Where is the fence currently --

7 A. I stated I'm not a surveyor. I'm  
8 not going to give you exact -- the barn is on  
9 the other side. That is my answer. I'm not a  
10 surveyor. I'm sorry.

11 Q. I didn't ask you to -- I'm asking  
12 how far -- you can estimate, how far the fence  
13 is --

14 A. I'm sorry. I cannot estimate. I'm  
15 not a surveyor. I don't feel comfortable  
16 estimating and giving an answer that I don't  
17 know the hundred percent certainty to. I do  
18 know that it is on the other side, my parents'  
19 property, and Christian did cross that line.

20 Q. How do you know if you don't even  
21 know where the property line is?

22 A. He pulls in the driveway, and the  
23 driveway is clearly on their property with no  
24 trespassing signs. So in the first instance of  
25 pulling in the driveway, he already trespassed.

1 Q. Oh, so that's when he trespassed,  
2 when he drove up the driveway?

3 A. He trespassed the entire time. I'm  
4 just saying that that was a clear indication of  
5 trespassing. The police even have pictures of  
6 the no trespassing signs on the gate.

7 He knew that it was their property.  
8 He stated he knew it was my parents' property  
9 multiple times prior to that and proceeded to  
10 enter it with no trespassing signs, go up and --  
11 I mean, multiple cases.

12 Q. And he was there with the police?

13 A. There were instances where he was  
14 not there with police.

15 Q. Well, this first one, you said he  
16 came there with police. The police drove --

17 A. He did come with the police.

18 Q. -- on your parents' property?

19 A. You are correct.

20 Q. They trespassed.

21 A. Yes, they did.

22 Q. Why aren't you suing them?

23 A. The police were there escorting  
24 Christian. The police didn't come to harass me.

25 Q. Oh, so it's not about trespassing,

1 it's about harassment?

2 A. No, it's about trespass.

3 Q. Well, you don't own that property.  
4 You don't have a trespass claim against him.

5 A. I'm not an attorney. I can't  
6 answer that. I'm sorry.

7 Q. All right. Back to the -- I'm just  
8 trying to say you say there is currently a fence  
9 on the property dividing -- or marking the  
10 property line. Can you tell me if it's five  
11 feet away from the barn?

12 A. I already said I'm not a surveyor.  
13 I do apologize greatly, but I'm not a surveyor,  
14 and I cannot answer that question.

15 Q. I'm just asking -- I'm not asking  
16 if it's accurate. I'm asking -- I'm not asking  
17 for a surveyor opinion. I'm asking --

18 A. I don't feel comfortable answering  
19 the question. I don't know the exact -- as I  
20 stated prior, I do know that he did trespass,  
21 because he did cross over significantly.

22 Q. I understand you think that. I  
23 just want to know how far the fence is from the  
24 barn.

25 A. Christian also said that, and he



1 did think that, and he did state where the line  
2 was in his opinion, and he did cross it.

3 Q. Are you just not going to answer my  
4 question?

5 A. I did answer. I'm sorry. I can't  
6 answer the way that you would like me to. I  
7 cannot answer that. I told you my answer to the  
8 question.

9 Q. You can answer -- you can give me  
10 your best estimate as to how far --

11 A. I cannot.

12 Q. You can't. You can't tell me if  
13 it's --

14 A. I'm not a surveyor. I apologize.

15 Q. All right. I'll start out, is it  
16 20 feet away?

17 A. I'm not a surveyor. I do  
18 apologize.

19 Q. It could be 20 feet?

20 A. What?

21 Q. It could be 20 feet?

22 A. There is a pasture fence that  
23 dictates where the property line should -- is,  
24 an approximate, and I don't know the approximate  
25 distance from there to the barn, but it is on

1 the other side, so you would be trespassing,  
2 which Christian did agree to in the video that I  
3 have of him.

4 MS. HUTH: Matt, she has answered  
5 the question over and over and over that she  
6 doesn't know and she's not comfortable, and then  
7 you keep asking her again, again and again and  
8 again.

9 MR. BARINGER: Well, respectfully,  
10 she hasn't answered it, but it is what it is.

11 THE WITNESS: I did answer it.  
12 There is a pasture fence that separates the  
13 properties. I'm not a surveyor. I cannot give  
14 you the exact distance. However, Christian  
15 stated he knew where the property line was and  
16 then proceeded to cross that.

17 BY MR. BARINGER:

18 Q. All right. I'm going to just ask  
19 you one more time and knowing that you're not  
20 going to answer it. How far is that fence away  
21 from the edge of the barn?

22 A. I'm going to answer --

23 MS. HUTH: Objection. Objection.  
24 You've asked that question about four times, and  
25 she has given you the same response, and now

1     you're asking it a fifth time. Go ahead if you  
2     can answer, Bianca.

3                     THE WITNESS: I'm going to answer  
4     the same way I did the last four times. There's  
5     a fence that runs along the property line. It  
6     is a pasture fence, and Christian did indicate  
7     with his arms that he knew where the property  
8     line was, and it went alongside that fence. He  
9     actually stated that, as well, and then  
10    proceeded to cross it and go on the other side  
11    to where the barn is and look in every single  
12    window, stated he knew that it was my parents'  
13    barn and that he knew it was my parents'  
14    property, it was in plain view, and he was  
15    looking.

16   BY MR. BARINGER:

17                   Q. All right. Well, let's go back to  
18    the March 6th date. He didn't do any of that on  
19    the March 6th date, correct?

20                   A. He did enter my parents' property  
21    on March 6th.

22                   Q. Oh. But the video that you shared  
23    with us, that wasn't on the March 6th date where  
24    he's allegedly --

25                   A. I did share videos of March 6th.

1 Q. Okay.

2 A. Not the video that I'm discussing  
3 with the property line, but I did share a video  
4 of March 6th, yes.

5 Q. Okay. All right. That's my -- all  
6 right. So on March 6th, did he go by that barn?

7 A. He did go on my parents' property,  
8 yes.

9 Q. All right. I know you say he drove  
10 up the driveway. Did he go --

11 A. He trespassed.

12 Q. -- by the barn?

13 A. He trespassed. He went up their  
14 driveway.

15 Q. Did he go by the barn?

16 A. We went up towards -- he went up  
17 towards the barn, walked up, questioned people  
18 on the property, as well as my property, and my  
19 parents' property.

20 Q. How far did he go up? Did he go up  
21 to the side of the barn?

22 A. My property is about 2,000 feet  
23 deep. He went past my house. Much more near  
24 the barn than the street, we'll put it that way.

25 Q. Did he go along the side?

1           A.     I'm sorry. Could you say that  
2 again?

3           Q.     You've got the front of the barn,  
4 right, and then you've got the side. It's a  
5 rectangle. Did he go from the street?

6           A.     No, he did not go up to the barn  
7 and look in the windows on March 6th if that's  
8 the question. He did not do that on March 6th.

9           Q.     That's what I was asking.

10          A.     He walked up the driveway and  
11 trespassed, questioned people on my parents'  
12 property, and questioned people on my property.

13          Q.     And at that time, there were horses  
14 on your property?

15          A.     It was less than 24 hours after my  
16 sentencing. They were in the process of moving.

17          Q.     Yeah, and he was pretty respectful.  
18 He said -- he was pretty respectful. He said we  
19 want to give you time to move these to your  
20 parents' property.

21                 MS. HUTH: Is that a question?

22                 THE WITNESS: They were not my  
23 horses. They were boarders' horses.

24 BY MR. BARINGER:

25          Q.     But you knew you couldn't have any

1 horses on your property, and he said we've got  
2 to get these horses off your property.

3 A. If you've ever seen a horse or  
4 moved a horse, you don't just put them in the  
5 back of your car and drive them away. It takes  
6 some time. It was less than 24 hours after my  
7 sentencing.

8 Q. Okay. He didn't say he was going  
9 to violate you for it, did he?

10 A. He made statements. He did not  
11 directly tell me that he was going to violate me  
12 on March 6th. However, he had in other  
13 instances later on.

14 Q. Okay. But the first time he comes  
15 out, it's the first day after you've been  
16 sentenced, and he comes to look at the property,  
17 and he says there's horses on your property, you  
18 can't have them on your property, let's get them  
19 off.

20 A. He looked at the property and  
21 trespassed on my parents' property, yes.

22 Q. Okay. You said he knew about the  
23 transfer. Did you tell him about the transfer?

24 A. Actually, yes, and he said that he  
25 knew about it, as well, because my sister called

1 me, which she was a minor at the time, and he  
2 was questioning her without my parents present,  
3 as well. So after he was questioning my  
4 16-year-old sister about the property and the  
5 animals and questions that she apparently had to  
6 answer, she called me, and I did speak with  
7 Christian. And he actually -- I do believe his  
8 words were that I've made it very clear that he  
9 understood that that was my parents' property --

10 Q. Anyway --

11 A. -- and that he was not to do  
12 inspections on my parents' property, only mine.

13 Q. Okay. All right. March 9th was  
14 the next date, page six, paragraph 18. You say  
15 Christian entered your neighbor's property and  
16 monitored your property from their property for  
17 about two hours; is that correct?

18 A. Correct.

19 Q. All right. He didn't enter your  
20 property, correct?

21 A. Correct.

22 Q. He didn't enter your parents'  
23 property, correct?

24 A. Correct, he just monitored the  
25 properties.

1           Q.     March 14th is the next one.   Why  
2     don't you tell me what happened then.

3           A.     Well, again, I was not present.  
4     However, I was threatened to be violated.   I was  
5     at work.   My father was there.   My sister was  
6     there.   My sister was in my parents' barn taking  
7     care of my parents' horses, and Christian pulled  
8     onto my parents' property.   My father told him  
9     that it was their property, and he was not  
10    permitted on it, and that they had to move.

11                The officer then agreed to move to  
12    the other side of the property.   So then  
13    Christian and the officers moved to the other  
14    side of the property.   They walked to the back  
15    of my property, questioned my father, and told  
16    him -- Christian had told him that he needed to  
17    see who was in the barn, because Bianca was in  
18    the barn.   And my father proceeded to tell him  
19    that Bianca was not in the barn and that it was  
20    Bella.   And Christian then threatened to violate  
21    my probation if my father did not make my sister  
22    come out of his barn.

23                My father didn't believe that he  
24    legally had to do that, and the property was not  
25    subject to Christian's searches.   However, he



1       feared that Christian would violate me, so he  
2       asked my sister to come out of the barn. At  
3       that time, she did come out of the barn.

4               And they had called me -- my dad  
5       had called me, and I then spoke to Christian and  
6       went over the fact that he has no right to  
7       question people on my parents' property or do  
8       inspections of their property. And at that  
9       time, he said that, unfortunately, I was wrong.

10              Q.     You weren't present for any of  
11       this, correct?

12              A.     I was not home. I was on the  
13       phone.

14              Q.     Were you monitoring it via security  
15       camera, as well?

16              A.     Correct, I do have security  
17       cameras.

18              Q.     When you were on the phone, were  
19       you also watching on camera?

20              A.     Yes, I had the camera up, but I was  
21       talking on the phone, as well.

22              Q.     Where was he talking to your dad  
23       at, which property?

24              A.     In the back.

25              Q.     Which property?

1           A.     On my property, because he was  
2     asked to leave my parents' property.

3           Q.     Okay.

4           A.     But he was on my parents' property,  
5     and then the officer had said we're going to go  
6     over to Bianca's property, so let's go to  
7     Bianca's property.

8                     After my dad had said they were  
9     trespassing and they were not allowed on the  
10    property, they went over to my property and  
11    walked to the back of my property observing my  
12    parents' property and threatening my father to  
13    make my sister come out of the barn or saying  
14    that they would blindly violate my probation.

15          Q.     When you say officer, are you  
16    talking about Christian, or are you talking  
17    about -- was there police there too?

18          A.     The police. I refer to Christian  
19    as Christian Courtwright.

20          Q.     Okay. So the cops were with him on  
21    this occasion, as well?

22          A.     Correct, and they did ask him to  
23    move from my parents' property to my property.

24          Q.     And he did?

25          A.     Correct, with the assistance of the

1 police.

2 Q. Well, I mean, they didn't forcibly,  
3 did they?

4 MS. HUTH: What was the question?  
5 I'm sorry. I didn't hear the question. What  
6 was the question?

7 BY MR. BARINGER:

8 Q. They didn't forcibly have to move  
9 Christian off your property -- off of your  
10 parents' property, did they?

11 A. They asked him. They said that  
12 they were going to move to the side and for him  
13 to come up with them. And he did, because my  
14 father said they were trespassing and they were  
15 not allowed to be on the property.

16 Q. Okay. And then your father went  
17 onto your property, and they had a conversation  
18 with Christian on your property?

19 A. Correct, while he observed my  
20 parents' property and was threatening my father  
21 to make my sister come out of my father's barn  
22 on my father's property to prove that I was not  
23 there --

24 Q. Right.

25 A. -- or he would violate me if my dad

1 did not have my sister walk out.

2 Q. Because it would have been a  
3 violation if you were in that barn caring for  
4 horses, wouldn't it?

5 A. But I was not.

6 Q. I know.

7 A. And he had no reason to believe  
8 that I was. And my father did not have any  
9 legal responsibility. It was not his -- it was  
10 not his probation.

11 Q. Okay. But Christian is there to  
12 make sure you are complying with probation, and  
13 there's a barn --

14 A. On the -- for me.

15 Q. I'm sorry, you broke up.

16 A. On my property for me. He wanted  
17 my father to forcibly have my sister walk out of  
18 my father's barn on my father's property to  
19 prove that I was not in my father's barn.

20 Q. But just so it's clear, you were  
21 ordered not to care for any horses no matter on  
22 your property or any other property; isn't that  
23 true?

24 A. I believe the order was I was not  
25 able to own, care for, reside on, or have

1 possession of horses. That was the order.

2 Q. And you weren't violated?

3 A. I have not been violated.

4 Q. April 9th is the next one.

5 Courtwright enters your neighbor's property for  
6 two hours again. So he didn't go on your  
7 property at this time or your parents'?

8 A. I'm sorry, what date?

9 Q. It's page eight, April 14th.

10 A. Correct.

11 Q. July 13th, it sounds like he came  
12 to do a random inspection, eventually spoke to  
13 you, and performed a search of your property,  
14 correct?

15 A. Correct, that is what is on here  
16 for July 13th, 2019.

17 Q. And nothing in there about entering  
18 your parents' property, correct?

19 A. No, there's nothing in here for  
20 that date about entering my parents' property.

21 Q. December 21st, why don't you go  
22 ahead and tell me what happened on that date.

23 A. On December 21st, 2019, Christian  
24 entered my property. I was in the shower, as it  
25 was in the morning. I wasn't expecting it. And

1 he asked if I was home. My friend stated that I  
2 was home. She came and got me. I came to the  
3 door. I had a robe on with my towel in -- my  
4 hair up, because I was in the shower and had to  
5 jump out of the shower. My sister Bella was  
6 present, as well.

7 I opened the door, spoke with  
8 Christian. He informed me he was there to do a  
9 random probation inspection. I asked him if I  
10 had the option to say no. He told me I had no  
11 option to say no.

12 And as we walked around the barn --  
13 to the back of the barn, we walked to the --  
14 it's a little part like on the back of my house.  
15 We walked all the way around. He did look over  
16 the property from that point, but he did not  
17 proceed to walk to the back at all. He said  
18 that we were good, and we walked back up to the  
19 front.

20 Q. And didn't enter your parents'  
21 property on that occasion, correct?

22 A. Not on that occasion, no.

23 Q. It sounds like he came to do an  
24 inspection, waited for you to get out of the  
25 shower, did the inspection, said we're all good,

1 correct?

2 A. Correct. I jumped out of the  
3 shower in my towel, walked around the back,  
4 showed him what he wanted to see, which was my  
5 attached garage to my house, and then he walked  
6 back to the front of the property with me  
7 stating that that was all.

8 Q. So then that's December. Three  
9 months go by. March 14th, 2020, he comes and  
10 leaves his business card on your front door. Is  
11 that all that he did?

12 A. Correct, he pulled up the driveway  
13 and left his business card on my front door,  
14 knocked on my door, and then left.

15 Q. And it sounds like -- paragraph 69  
16 through 72, it sounds like he just said I'm  
17 trying to make this easy on you and me, right?

18 A. You're correct, he did state  
19 that -- he said he was trying to make it  
20 convenient, so that rather than trying to catch  
21 each other, if I'm going to be home, that he  
22 would do them on the weekends since I did work  
23 during the week, and he indicated that these  
24 were random checks to make sure that I'm still  
25 in compliance with the terms of my probation,

1 and that probation checks are required, and he  
2 is allowed to do random, unannounced inspections  
3 to make sure that I'm compliant with the order.

4 Q. Then we get to July 10th, 2020.  
5 And this seems to be the date of -- a  
6 significant amount occurred on this date,  
7 correct?

8 A. I would agree.

9 Q. So he shows up. What happened?

10 A. So I'll start off by saying I was a  
11 little shocked that he showed up, because it was  
12 a Friday and a workday for me, and it was at  
13 approximately 9:02 a.m. He did indicate, as you  
14 had said in the last probation check where he  
15 came and left his card, that he would be making  
16 these quote, unquote, convenient so that he  
17 would catch me on Saturdays or Sundays. And  
18 this was a Friday, so I was actually in the  
19 shower getting ready for work at the time, which  
20 was very inconvenient.

21 So I was still in my pajamas. I  
22 threw my pajamas on, went to the door, saw the  
23 defendant, Christian Courtwright. He was at my  
24 door. He had his Geauga Humane Society vehicle,  
25 so I knew, you know, that he was there. I went



1 to the door. He indicated that he was there to  
2 do a random probation inspection.

3 So, again, I was a little shocked  
4 that it was a workday, because I was getting  
5 ready to go to work. However, I was told that I  
6 had no choice, and I had to do them. So I asked  
7 if I had the right to refuse, and that was not  
8 an option according to Christian Courtwright.

9 So we started to walk around the  
10 side of the house. I did ask him why he was at  
11 my house and if he had received any calls or had  
12 any suspicion that I was violating my probation  
13 at that time. He indicated and actually  
14 responded no.

15 So then I did confirm that he did  
16 not have any calls or reason to come to the  
17 property, he was just there doing regular  
18 checks. There were no complaints or anything of  
19 that nature.

20 At that point, we continued to walk  
21 to the back of the property. He walked into my  
22 attached garage, took a look, and then saw that  
23 there were no horses or animals and that the  
24 barn was being used for storage.

25 He then indicated he wanted to walk

1 to the back of my property. I had asked him  
2 why, because all of the times prior to that he  
3 had said he didn't need to walk back there,  
4 because there was nothing back there other than  
5 gravel and all the way back to the woods. So he  
6 never needed to do that before. So he told me I  
7 didn't have the option to say no.

8 So we walked back. My property  
9 goes about 2,000 feet deep and it's adjacent to  
10 my parents' property. As we were walking,  
11 Christian did see that there was nothing on my  
12 property. He proceeded to look at my parents'  
13 property the entire time we were walking to the  
14 back.

15 I did indicate that I was videoing.  
16 He was aware that I was videoing. I told him  
17 multiple times that there were no animals on my  
18 property that he can see. He had told me again  
19 at that point that there were no calls or  
20 complaints or any reason to believe that I was  
21 violating my probation at that time, and that he  
22 is allowed to do random inspections per the  
23 Court and that's what he was doing.

24 He proceeded to walk down the  
25 property line observing my parents' barn and

1 pastures. He actually stated that that's what  
2 he was doing, as well.

3 I asked if he had received any  
4 calls or complaints regarding my parents'  
5 property. At that time, he had not received any  
6 calls or complaints regarding my parents'  
7 property. He stated that it was now in plain  
8 sight that he was on my property.

9 So while he was walking, he  
10 motioned with his hands and picked his arms up,  
11 pushed his arms straight down indicating a line  
12 of where he deemed the property line to be,  
13 which was alongside the pasture fence, and then  
14 proceeded to cross that line as seen in the  
15 video. He crossed that line and approached my  
16 parents' barn.

17 I indicated to him that he had, A,  
18 walked onto my parents' property; B, that he was  
19 trespassing; C, that he was not allowed to be on  
20 that property; and, D, that I would call the  
21 police. Christian at that point said go ahead  
22 and call them.

23 He then proceeded to walk down my  
24 parents' property looking -- he looked in every  
25 single window of my parents' barn. This was all

1 on video, as well. During this time, I  
2 continued to tell him that he was trespassing,  
3 he is not allowed to go onto my parents'  
4 property or be observing their barn. It's not  
5 part of the probation visits, which he had  
6 stated in multiple instances prior to that.

7 Q. Let me stop you there.

8 A. We walked down the --

9 Q. Sorry.

10 A. You're good.

11 Q. How do you know he was trespassing?  
12 How do you know he crossed the property?

13 A. Because he crossed where the  
14 pasture fence was.

15 Q. Well, but you can't -- okay. How  
16 far was that from the edge of the barn? I'm  
17 trying to figure that out.

18 A. Sir, I don't know the approximate --

19 MS. HUTH: Isn't that the same  
20 question you asked five times before?

21 MR. BARINGER: Yeah.

22 MS. HUTH: Okay. So she has  
23 already -- you've asked and answered. Do you  
24 want her to answer again?

25 MR. BARINGER: No. No, she doesn't

1 have to.

2 BY MR. BARINGER:

3 Q. Okay. Maybe I was confused,  
4 though, a little bit. There is no -- the  
5 pasture fence is behind the barn, correct, in  
6 relation to the road?

7 A. In relation to the road, the  
8 pasture fence is behind the barn.

9 Q. I don't know if it's -- I don't  
10 want to get into directions, but, I mean --

11 A. It doesn't run alongside of the  
12 barn if that's what you're asking. There's a  
13 clear space in between the pasture fence and the  
14 barn.

15 Q. Okay. There's no fence alongside  
16 the barn even today?

17 A. There's -- there is a fence along  
18 the property line, which Christian crossed and  
19 clearly indicated that he knew where the  
20 property line was and that he was crossing it to  
21 look in my parents' barn.

22 Q. I get that, but I've seen the  
23 video, you've seen the video. When he is next  
24 to the -- when he's alongside the barn, I'll  
25 say, alongside it, there is no fence there.

1           A.     He already deemed the property  
2     line.   He indicated with his arms and then  
3     proceeded to cross where the property line was.

4           Q.     I'm just trying to figure out if  
5     there's a fence there.

6           A.     There's significant space between  
7     the fence and the barn.   You would -- any  
8     reasonable person would know that they crossed  
9     that line --

10          Q.     I understand that's --

11                   (Clarification requested by the  
12     court reporter.)

13                 THE WITNESS:   Which he did indicate  
14     that he did know that he crossed the property  
15     line.

16                   (Thereupon, an off-the-record  
17     discussion was held.)

18     BY MR. BARINGER:

19           Q.     I understand what you're saying.   I  
20     just want to know is there a physical fence  
21     today?   I'm looking at Google Maps, and there is  
22     no fence alongside the barn where he was shown  
23     in the video.   Am I correct there is no fence  
24     there?

25           A.     There is a fence behind the barn,

1     which runs along the property line, which is  
2     near the barn, which Christian indicated he did  
3     know where the property line was and it went  
4     straight along that fence line and then  
5     proceeded to cross where that fence line is.

6             Q.     Do you understand what I'm asking  
7     about --

8             A.     I do, and I answered.

9             Q.     I'm asking alongside the barn  
10    where he was shown in the video, I'm asking if  
11    there is a physical fence there. I'm just  
12    asking --

13            A.     There's a fence along the property  
14    line, which Christian crossed to observe my  
15    parents' barn.

16            Q.     Are there any stakes alongside the  
17    barn marking where the property line --

18            A.     There is a fence line along the  
19    property line and no trespassing signs --

20            Q.     Where are the --

21            A.     -- as I stated earlier.

22            Q.     Where are the no trespassing signs?

23            A.     At the front gate and around the  
24    property.

25            Q.     Are there ones alongside the barn

1 where Christian is shown in the video being  
2 alongside the barn?

3 A. There's a fence line that separates  
4 the properties, the pasture fence line, which I  
5 stated.

6 Q. Do you want to admit there's no  
7 fence alongside the barn?

8 A. There is a fence along the property  
9 line.

10 MS. HUTH: Sorry, what was the  
11 question, Matt?

12 BY MR. BARINGER:

13 Q. I know there's a pasture fence  
14 behind the barn. I'm asking if there is a fence  
15 alongside the barn, the right side of the barn  
16 if you're looking from the street? That's all  
17 I'm asking. There is or there isn't a fence  
18 there.

19 A. There is no fence alongside of the  
20 barn. It is along the back where the property  
21 is where Christian picked his hands up and  
22 indicated a straight line from that pasture  
23 fence to the road and then proceeded to cross  
24 where his hands were and he indicated the  
25 property line was. And he indicated that he



1 knew that he was going over towards the barn and  
2 that it was in plain view.

3 Q. Okay. Thank you. I think I asked  
4 this, but -- the same question, I just want to  
5 make sure. Are there any other demarcations  
6 alongside that barn that state where the  
7 property line is, along the barn, physically  
8 there, not the pasture? That's all I'm asking.

9 A. The barn is clearly on the opposite  
10 side of the pasture fence, which he deemed that  
11 he knew where that was and that that was the  
12 property line. So we established where the  
13 property line was.

14 He then crossed it, knowingly and  
15 willingly crossed it, to observe my parents'  
16 barn and look in every single window, which  
17 there are ten, and proceeded to -- as I  
18 continued to tell him that he was trespassing,  
19 and he proceeded to say that he was in plain  
20 view and he was looking in each window.

21 Q. And you keep saying that he said I  
22 know I'm crossing the property line. He never  
23 said that.

24 A. I didn't say that he knew that he  
25 was crossing the property line. I said that he

1 did know that he crossed where he indicated the  
2 property line was. Yes, he did.

3 Q. Well, did he say I know I'm across  
4 the property line?

5 A. He indicated with his arms where  
6 the property line was and then proceeded to walk  
7 across it.

8 Q. Actually, he said the complete  
9 opposite. He said I know where the property  
10 line is, and I'm not going to cross it, right?

11 A. He did not say he knew where the  
12 property line was and that he was not going to  
13 cross it.

14 Q. That's not what the video says?

15 A. At the time that he trespassed on  
16 my parents' property, he did not state that.

17 Q. Have you reviewed the video?

18 A. Yes, I have, and I do know what  
19 you're talking about, and that was when we were  
20 further in the back of the property. And then  
21 we walked up, and he stated where the property  
22 line was and then proceeded to cross it.

23 Q. Is that on the video?

24 A. If you review the --

25 (Clarification requested by the

1 court reporter.)

2 BY MR. BARINGER:

3 Q. Is that on the --

4 A. If you review the --

5 Q. Sorry. Is that --

6 A. Yes.

7 Q. Sorry. Is that on the video?

8 A. Yes, it's all on the video.

9 Q. Okay. So the cops come, talk to  
10 you, talk to Christian. What happens?

11 A. We walked the chief back to observe  
12 what Christian had observed, explained exactly  
13 what happened to the chief. We called my  
14 parents. We did file a report, and we  
15 videotaped everything, and then my parents were  
16 on their way, and my parents did arrive at that  
17 time.

18 Q. And what happened? Did Christian  
19 get in trouble?

20 A. Well, the officer stated that they  
21 were going to send it up for review, because  
22 they didn't know -- it was a very blurred line.  
23 Because if they were to enter the property, it  
24 would be -- they would have to have probable  
25 cause. So they were going to take reports and

1 send it up for review.

2 Q. Did you tell them that the Court  
3 had ordered random, unannounced inspections of  
4 your property? Did you tell the police that?

5 A. They were well aware at that point.  
6 They had assisted in prior instances, as we  
7 discussed earlier. And they also were aware of  
8 the property line. My parents -- they were  
9 aware that my parents owned the adjacent  
10 property, as well.

11 Q. Did he violate you, Christian, for  
12 anything on that day?

13 A. No. I did ask the chief to get on  
14 video that I did not do anything wrong, because  
15 I was in fear that he would violate me or try  
16 and harass my parents. And Chief did actually  
17 walk over on video and asked him if there was  
18 anything wrong. Christian stated there wasn't  
19 anything wrong.

20 Q. And things got a little heated,  
21 didn't they?

22 A. I would say it's a matter of  
23 perception. There was no heat.

24 Q. You were pretty upset, right?

25 A. I was upset. I think that anybody

1 would be upset in a situation like that.

2 Q. You said some pretty nasty things  
3 to Christian, right, and about Christian?

4 A. No, I don't recall that at all.  
5 And I don't believe it's in the complaint,  
6 because I didn't see anything nasty that I had  
7 said.

8 Q. You didn't call him a piece of  
9 shit?

10 A. I definitely did not. Where --  
11 could you show me where in the complaint that I  
12 said that?

13 Q. It's not in the complaint.

14 A. Oh, so it's not in the complaint.

15 Q. No, you wouldn't put that --

16 A. I just --

17 Q. -- in your complaint, would you?

18 (Clarification requested by the  
19 court reporter.)

20 THE WITNESS: I thought we were  
21 going off of the complaint. Could you show me  
22 where in the complaint that I called him a,  
23 quote, piece of shit?

24 BY MR. BARINGER:

25 Q. It's not in the complaint.

1           A.     Oh, okay. Yeah, I did not call him  
2     that, that's why.

3           Q.     Your mom was there too, right?

4           A.     My mom was there after the fact.  
5     She wasn't privy to the beginning, because we  
6     did not know he was coming or that he would  
7     enter her property.

8           Q.     Was your dad there later?

9           A.     Later.

10          Q.     Was a boyfriend there too?

11          A.     I didn't have a boyfriend there.  
12     My brother was there.

13          Q.     What's your brother's name?

14          A.     My brother's name is Carlo.

15          Q.     So Christian leaves, doesn't  
16     violate you, right?

17          A.     He stated to the chief that I  
18     didn't do anything wrong.

19          Q.     And that is the last time he has  
20     done an inspection on your property, right?

21          A.     Correct.

22          Q.     And that was on July 10th, 2020.  
23     You have not had --

24          A.     Correct.

25          Q.     -- a single inspection done of your

1 property since that date, right?

2 A. You are correct.

3 Q. Because you caused such a fuss that  
4 they just gave up?

5 A. I don't agree.

6 Q. You sued them in this case, right?

7 MS. HUTH: You're asking if she  
8 sued?

9 BY MR. BARINGER:

10 Q. You've sued Christian and the  
11 humane society in this case, right?

12 A. Correct, we did sue.

13 Q. You tried to have him removed as a  
14 humane agent in the probate court, right?

15 A. Correct, we did bring a case to  
16 probate.

17 Q. You lost that, right?

18 A. The case was dismissed.

19 Q. You filed a lot of things with the  
20 court, the criminal court, correct, after your  
21 conviction?

22 A. Could you clarify what a lot is?

23 Q. All right. You filed something to  
24 modify your sentence. Do you recall that?

25 A. Correct. Yes.

1 Q. What did you want modified?

2 A. The terms.

3 Q. Which terms?

4 A. The terms that violated my rights.

5 Q. What was the term that violated  
6 your rights?

7 A. Random, unannounced inspections.

8 Q. So the Court denied that, right?

9 A. Correct.

10 Q. What else did you file? You  
11 mentioned before that you had a probation  
12 hearing. I won't say it was a violation  
13 hearing. It was to clarify the terms of your  
14 probation, right?

15 A. It was not a violation hearing,  
16 correct.

17 Q. And you were present at that with  
18 counsel?

19 A. Yes, I was present. It was -- yes.

20 Q. And the judge threatened to find  
21 you in contempt, right?

22 A. I'm sorry. Could you repeat that?

23 Q. Didn't the judge say that she was  
24 going to hold you in contempt?

25 A. Yes, I did -- the judge said that



1 after I had questioned my rights.

2 Q. And she didn't hold you in contempt  
3 though, did she?

4 A. No, she did not.

5 Q. When was that; do you recall?

6 A. I don't recall the exact date.

7 Q. So do you have any dealings with  
8 the probation department at all?

9 A. No, the probation department had  
10 done my one review of my probation, indicated  
11 that I was not in violation, and that I was  
12 compliant, and that's all.

13 Q. So for going on two years now,  
14 probation has been out of your life, right?

15 A. I would not say out of my life. I  
16 still have probation, I just have been  
17 compliant.

18 Q. All right. You don't have to check  
19 in with them at all?

20 A. No, the probation department did  
21 not deem that it was necessary for me to check  
22 in with them.

23 Q. And Christian hasn't done any more  
24 inspections and, as far as you know, doesn't  
25 plan to, correct?

1           A.     I can't state what Christian plans  
2     to do, but I can state that since July 10th of  
3     2020, he has not done any more inspections.

4           Q.     Well, haven't you won here? Why  
5     don't you dismiss this case?

6           A.     I'm sorry. Could you repeat the  
7     question?

8           Q.     Haven't you won here? Why don't  
9     you dismiss this case?

10           MS. HUTH: Wait, wait, wait. Hold  
11     on. Objection. Are you asking her for a  
12     legal -- whether she has won as a legal  
13     conclusion?

14           MR. BARINGER: No.

15           MS. HUTH: Is that what you're  
16     asking?

17           MR. BARINGER: I'll rephrase.

18     BY MR. BARINGER:

19           Q.     You felt Christian was harassing  
20     you, right?

21           MS. HUTH: I'm sorry. What was the  
22     question?

23     BY MR. BARINGER:

24           Q.     You felt Christian was harassing  
25     you, right, with these inspections?

1           A.     I felt like they went against my  
2 civil rights.

3           Q.     And despite the Court order, you  
4 still felt that way?

5           A.     Yes, I did.

6           Q.     Well, there's no more inspections  
7 that they're doing, right?

8                   MS. HUTH: One minute. So, Matt,  
9 are you -- just objection to the form of the  
10 question. Are you saying there's not going to  
11 be any more inspections? I just didn't  
12 understand the question.

13 BY MR. BARINGER:

14           Q.     Well, there's been none for going  
15 on two years now, correct? We've established  
16 that. Has anybody -- has anybody ever indicated  
17 to you that inspections will resume?

18           A.     I never knew when Christian was  
19 coming prior. They were random, unannounced  
20 inspections, so I would not have any indication  
21 as to if he would be coming in the future. I do  
22 know that during the five years of my probation,  
23 which he stated, that I will be seeing him the  
24 entire five years of my probation or whoever the  
25 humane officer is, which he did state, and I can

1 find that if you would like that quote.

2 Q. All right. Let's talk about your  
3 parents' barn. Well, first of all, your  
4 parents' property, the neighboring property, it  
5 contains no living residence?

6 A. No residence for a human. There is  
7 a barn.

8 Q. So nobody resides at that  
9 property -- I guess that's obvious -- correct?

10 A. No. No, no one resides there.

11 Q. So how many horses, you know,  
12 typically -- let's just say today, how many  
13 horses are kept on that property?

14 A. I don't know. They're not my  
15 horses and it's not my property.

16 Q. How many -- how often do you go  
17 into the barn?

18 A. I don't. It's against my  
19 probation.

20 Q. You've never been in that barn?

21 A. I do not enter that barn, no.

22 Q. But have you ever been in that  
23 barn?

24 A. No, I do not enter that barn. It's  
25 against my probation. I've been compliant.

1           Q.     What is the -- the horses, if there  
2     are any in that barn, who do they belong to?

3           A.     I don't know. It's not my barn.

4           Q.     You seemed familiar with the one  
5     horse who had the wound on his nose in the  
6     video.

7           A.     Correct, I did know that that was a  
8     boarder horse at that time. It was my friend  
9     who was also present telling Christian that he  
10    was trespassing, as well.

11          Q.     Do the horses ever come onto your  
12    property?

13          A.     No. That's against my probation.

14          Q.     You have your security system. How  
15    does that work? First of all, when did you  
16    install that?

17          A.     Years ago. I don't know the exact  
18    date.

19          Q.     Was it before or after your  
20    convictions?

21          A.     It would have been, I believe,  
22    before.

23          Q.     How does it work in terms of when  
24    it decides to record? Well, let's start with  
25    that. Is it always recording?

1           A.     Yes.

2           Q.     And how -- does it store the  
3 recordings? I think the answer is yes, because  
4 we have some of it, but kind of explain to me  
5 how it stores it, how often, stuff like that.

6           A.     It stores videos based on the  
7 videos that I would like to save.

8           Q.     Okay. Well, let's say something  
9 happened -- well, let's talk about this case.  
10 Could you go back and get any and all videos  
11 from July 10th, 2020? Could you do that today?

12          A.     No, I could not.

13          Q.     So is there a time period where it  
14 deletes them or something like that?

15          A.     Yes, at some point.

16          Q.     You don't know what the time frame  
17 is?

18          A.     No, I do not, because I obtain the  
19 videos that I need when it happens.

20          Q.     So you don't know -- if you went  
21 into the system like today and wanted to look,  
22 you don't know -- I mean, would there be like a  
23 list of videos there that you could save and it  
24 goes back a certain time, or you've never done  
25 that?

1           A.     No. I obtain the videos, like I  
2     stated, when I need the videos at that time.

3           Q.     Okay. So the videos that you  
4     provided from the day in question, were those --  
5     those weren't all the videos that you could have  
6     obtained from that date, were they?

7           A.     Are you asking if I would have  
8     saved the videos from when they were not on the  
9     property?

10          Q.     Yeah. You didn't go back and -- so  
11     in other words, the videos that you provided us  
12     were videos that you had previously saved. You  
13     didn't go back and like maybe in the last couple  
14     of weeks and get those videos?

15          A.     Correct, I saved them -- I saved  
16     them from the date that it happened.

17                 MR. BARINGER: If we can take a  
18     five-minute break, if that's all right with  
19     everybody.

20                 (Recess taken.)

21     BY MR. BARINGER:

22          Q.     What is your understanding of --  
23     you know, your parents are using the barn for  
24     what? Are they doing a rescue? Are they  
25     boarding horses? I'm not a horse guy. So what

1 are they using the barn for?

2 A. It's their personal barn.

3 Q. So they own -- that's where they  
4 keep their horses, if they own any?

5 A. Correct.

6 Q. Okay. And you don't go in there  
7 and pet the horses or anything? I'm not saying  
8 you care for them.

9 A. I do not enter the barn. It's a  
10 violation of my probation.

11 Q. You're seeking damages in this case  
12 against the defendants, so I have to ask you  
13 what kind -- what are your damages? Let's start  
14 with that. What are the damages you're alleging  
15 were caused in this case?

16 A. I'm sorry. Could you repeat the  
17 question?

18 Q. Yeah. Your complaint says you're  
19 seeking an award of compensatory, general, and  
20 special damages according to proof at trial. So  
21 I'm just asking, you know, what type -- how were  
22 you damaged in this case?

23 A. My rights were violated. My  
24 constitutional rights were violated.

25 Q. There was no physical damage to



1 your property as a result of these inspections,  
2 correct?

3 A. The damage would be for the  
4 violation of my constitutional rights.

5 Q. I understand. I just have to make  
6 sure. You're not saying Christian physically  
7 damaged your property, right?

8 A. I'm saying that the violations of  
9 my constitutional rights would constitute the  
10 damages for this case.

11 Q. I understand. No physical damage,  
12 correct?

13 A. The violations of my constitutional  
14 rights would constitute the damages for this  
15 case, yes.

16 Q. Okay. So --

17 A. They would constitute -- yes, the  
18 constitutional violation of my rights would be  
19 my damages, correct.

20 Q. Are you seeking like pain and  
21 suffering as a result?

22 A. I'm seeking damages for the  
23 violation of my constitutional rights.

24 Q. I'm asking you a specific question.  
25 Okay? I know that you want to give that answer,

1 but -- you can answer it. Is there any physical  
2 damage to your property, yes or no? I'm not  
3 saying there has to be. I'm just asking if  
4 there is or isn't.

5 A. If there is any physical damage to  
6 my property?

7 Q. Yes.

8 A. No, there would not be physical  
9 damage to my property.

10 MR. BARINGER: Okay. That's all I  
11 have, Bianca. I'll let your attorney instruct  
12 you as to whether to waive or not.

13 MS. HUTH: I don't think she's  
14 going to waive right now. That's something I'll  
15 have to check with Richard.

16 (Thereupon, the deposition was  
17 concluded at 11:41 a.m.)

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1       STATE OF OHIO                               )  
2       COUNTY OF MONTGOMERY )   SS:   CERTIFICATE

3                       I, Karen M. Rudd, a Notary  
4       Public within and for the State of Ohio, duly  
5       commissioned and qualified,

6                       DO HEREBY CERTIFY that the  
7       above-named BIANCA MARCELLINO, was by me first  
8       duly sworn to testify the truth, the whole truth  
9       and nothing but the truth.

10                      Said testimony was reduced to  
11       writing by me stenographically in the presence  
12       of the witness and thereafter reduced to  
13       typewriting.

14                      I FURTHER CERTIFY that I am not a  
15       relative or Attorney of either party, in any  
16       manner interested in the event of this action,  
17       nor am I, or the court reporting firm with which  
18       I am affiliated, under a contract as defined in  
19       Civil Rule 28(D).

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1                   IN WITNESS WHEREOF, I have hereunto set  
2 my hand and seal of office at Dayton, Ohio, on  
3 this 23rd day of June, 2022.

4                   *Karen M. Rudd*  
5 \_\_\_\_\_

6                   KAREN M. RUDD

7                   NOTARY PUBLIC, STATE OF OHIO

8                   My commission expires 5-21-2027  
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Cleveland, Ohio 44114  
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June 29, 2022

To: Ms. Huth

Case Name: Marcellino, Bianca v. Geauga County Humane Society, et al.

Veritext Reference Number: 5289645

Witness: Bianca Marcellino                      Deposition Date: 6/20/2022

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to [production-midwest@veritext.com](mailto:production-midwest@veritext.com).

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,  
Production Department

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DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 5289645

CASE NAME: Marcellino, Bianca v. Geauga County Humane  
Society, et al.

DATE OF DEPOSITION: 6/20/2022

WITNESS' NAME: Bianca Marcellino

In accordance with the Rules of Civil  
Procedure, I have read the entire transcript of  
my testimony or it has been read to me.

I have made no changes to the testimony  
as transcribed by the court reporter.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bianca Marcellino

Sworn to and subscribed before me, a  
Notary Public in and for the State and County,  
the referenced witness did personally appear  
and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn  
Statement; and

Their execution of this Statement is of  
their free act and deed.

I have affixed my name and official seal

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 5289645

CASE NAME: Marcellino, Bianca v. Geauga County Humane  
Society, et al.

DATE OF DEPOSITION: 6/20/2022

WITNESS' NAME: Bianca Marcellino

In accordance with the Rules of Civil  
Procedure, I have read the entire transcript of  
my testimony or it has been read to me.

I have listed my changes on the attached  
Errata Sheet, listing page and line numbers as  
well as the reason(s) for the change(s).

I request that these changes be entered  
as part of the record of my testimony.

I have executed the Errata Sheet, as well  
as this Certificate, and request and authorize  
that both be appended to the transcript of my  
testimony and be incorporated therein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bianca Marcellino

Sworn to and subscribed before me, a  
Notary Public in and for the State and County,  
the referenced witness did personally appear  
and acknowledge that:

They have read the transcript;  
They have listed all of their corrections  
in the appended Errata Sheet;  
They signed the foregoing Sworn  
Statement; and  
Their execution of this Statement is of  
their free act and deed.

I have affixed my name and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

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Commission Expiration Date

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ERRATA SHEET  
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Date Bianca Marcellino  
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DAY OF \_\_\_\_\_, 20\_\_\_\_ .

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date



[&amp; - appealed]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.



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